

Act No. 258
Public Act of 1989
December 28, 1989
Filed by the Secretary of State
December 28, 1989

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1989**

Introduced by Reps. Gubow, Weeks, Kosteva, Munsell, Strand, Willis Bullard, Berman, Johnson, Gire,
Dolan and DeMars

ENROLLED HOUSE BILL No. 4691

AN ACT to amend sections 5 and 6 of Act No. 205 of the Public Acts of 1956, entitled "An act to confer upon circuit courts jurisdiction over proceedings to compel and provide support of children born out of wedlock; to prescribe the procedure for determination of such liability; to authorize agreements providing for furnishing of such support and to provide for the enforcement thereof; and to prescribe penalties for the violation of certain provisions of this act," section 5 as amended by Act No. 107 of the Public Acts of 1986 and section 6 as amended by Act No. 129 of the Public Acts of 1982, being sections 722.715 and 722.716 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 5 and 6 of Act No. 205 of the Public Acts of 1956, section 5 as amended by Act No. 107 of the Public Acts of 1986 and section 6 as amended by Act No. 129 of the Public Acts of 1982, being sections 722.715 and 722.716 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 5. (1) Both the mother and the alleged father of the child shall be competent to testify, and if either gives evidence he or she shall be subject to cross examination. Either party may demand a trial by jury. The court may exclude the general public from the room where proceedings are held, pursuant to this act, admitting only persons directly interested in the case, including the officers of the court, officers or public welfare agents presenting the case, and witnesses.

(2) If the child is not born at the time set for trial, the case, unless the defendant mother or defendant father consents to trial, shall be continued until the child is born.

Sec. 6. (1) In a proceeding under this act before trial, the court, upon application made by or on behalf of either party, or on its own motion, shall order that the mother, child, and alleged father submit to blood or tissue typing tests which may include, but are not limited to, tests of deoxyribonucleic acid, red cell antigens, red cell isoenzymes, human leukocyte antigens, and serum proteins to determine whether the alleged father is likely to be, or is not, the father of the child. A blood or tissue typing test of a child shall not be taken before the child reaches the age of 6 months. If the court orders any blood or tissue typing test to be taken and any party refuses to submit to the test, in addition to any other remedies available, the court may do either of the following:

(a) Enter a default judgment at the request of the appropriate party.

(b) If a trial is held, allow the disclosure of the fact of the refusal unless good cause is shown for not disclosing the fact of refusal.

(2) A blood or tissue typing test shall be made by a person the court determines is qualified as an examiner of blood or tissue types.

(3) The court shall fix the compensation of any expert at a reasonable amount, and may direct the compensation to be paid by the county; or by any other party to the case, or by both in the proportions and at the times the court prescribes: Before the making of a blood or tissue typing test, the court may order any part or all of the compensation paid in advance.

(4) The result of a blood or tissue typing test, and if a determination of exclusion of paternity cannot be made, a calculation of the probability of paternity made by a person the court determines is qualified as an examiner of blood or tissue types based on the result of a blood or tissue typing test shall be admissible in evidence in the trial of the case.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved

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Governor.